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Ms Ann Coffey MP
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PARLIAMENTARY INQUIRY

I refer to my letter of 19 September when I let you know that I did not intend to reach any conclusions on the recommendations made by the All Party Parliamentary Group on Runaway and Missing Children and Adults in the report of its inquiry into Support for Families of Missing People until I had considered the Justice Committee's conclusions regarding presumption of death.

I am pleased to inform you that I have today laid before Parliament the response to the report of the Justice Committee on presumption of death and am therefore able to reply to the All Party Parliamentary Group's report.

The relevant recommendations are:

The Inquiry recommends that the Ministry of Justice provides a framework for consultation on presumption of death and guardianship provisions, exploring the evidence base that exists in relation to presumption of death in Scotland and Northern Ireland and in relation to guardianship in Australia.

The Inquiry recommends that this framework, along with a timetable for future action, should be in place by the end of the current session, with any resulting provisions to be implemented by the end of the current Parliament.

The Inquiry further recommends that relevant Government departments evaluate whether legal provisions for families of missing people meet agreed standards of international federations the UK is a member of, such as the Council of Europe.

I am very grateful to you and all the members of the APPG for your work on this important subject. The Government is committed to ensuring that there are appropriate systems in place for families to deal with the legal and financial problems that they face when a person disappears.

Consultation is an important part of the policy formation process but it does not always have to be carried out by the Government. In the case of the proposal to introduce a certificate of presumed death equivalent to a death certificate in England and Wales, there has been extensive recent investigation of the problem carried out by the APPG and the Justice Committee. The Government has therefore decided to introduce legislation to create a certificate of presumed death in England and Wales, similar to those that already exist in Scotland and Northern Ireland, when Parliamentary time permits without further consultation.

The implementation of such legislation will bring the law of England and Wales into line with the recommendations made by the Council of Europe in its 2009 Recommendation on principles concerning missing persons and the presumption of death.

Unlike the proposal in relation to the certificate of presumed death, where legislation is already in force in Scotland and Northern Ireland, the proposal to introduce legislation to create a status of guardian of the property and affairs of a missing person is novel within the United Kingdom, even though similar legislation is in force in parts of Australia and Canada. The department considers that further examination of the issues is required before any decision to legislate can properly be taken. The department is therefore discussing with the Law Commission whether it would be willing to review the proposal and make recommendations. I will write again when these discussions have been concluded.

Finally, I enclose a copy of the command paper replying to the Justice Committee's report on Presumption of Death and the accompanying Written Ministerial Statement.

I have copied this letter to Ms Holly Towell at Missing People.

A handwritten signature in black ink, appearing to read 'Jonathan Djanogly', written in a cursive style.

JONATHAN DJANOGLY